



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventors: John Boreczky, et al.

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Title: SYSTEM AND METHOD FOR VIDEO  
NAVIGATION AND CLIENT SIDE  
INDEXING

PATENT APPLICATION

Art Unit: 2614

Examiner: Michael R. Shannon

Customer No. 23910

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Signature Date: July 20, 2005

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

These Remarks are in response to the Final Office Action mailed April 20, 2005 (hereafter, "Final Office Action") and in response to the Advisory Action Before the Filing of an Appeal Brief (hereafter, "Advisory Action") received by facsimile on July 19, 2005. Claims 1-15 were pending in the Application prior to the outstanding Final Office Action. The Final Office Action rejected claims 1-15.

Claims 1, 3, 5, 10, 11, 13, and 15 were rejected under 35 U.S.C. §102(e) as being anticipated by Yeo (U.S. Patent 6,711,741 [hereafter, "Yeo"]), Claims 2, 4, 6-9, 12, and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yeo in view of Ceccarelli (U.S. Patent 6,222,532 [hereafter, "Ceccarelli"]), Yeo and Ceccarelli, either singly or in combination, fail to disclose all of the limitations of claims 1-15.

Independent claims 1, 10, and 15 were rejected as anticipated by *Yeo*. Regarding claim 1, the Final Office Action suggests (p. 4, section 3, para. 2) that in *Yeo*, “[t]he claimed step of indexing at least one point of the look-x data stream to at least one corresponding point in the data flow is met by the relation between the temporal snapshots and the continuous video frames. Column 4, lines 52-58 teach a relation between the snapshots and the continuous video...” Similarly, regarding claim 10, the Final Office Action suggests (p. 5, last para.--p. 6, 1<sup>st</sup> para.) that in *Yeo*, “[t]he claimed controller for indexing at least one point of the look-x data stream to a corresponding at least one point in the data flow is met by the relation between the temporal snapshots and the continuous video frames. Column 4, lines 52-58 teach a relation between the snapshots and the continuous video...” Finally, regarding claim 15, the Final Office Action suggests (p. 7, 1st para.) that in *Yeo*, “[t]he claimed step of in response to the first connection, generating a new index, the new index relating at least one point of the look-x data stream to at least one corresponding point in said data flow is met by the relation between the temporal snapshots and the continuous video frames, more specifically the client control sub-system 308, which generates the index...” These points are stated again in the Response to Arguments on pages 2-3 of the Final Office Action, and for a third time on pages 2-3 of the Advisory Action.

However, in regard to all three independent claims, the first referenced section of *Yeo* (col. 4, lines 52-58) teaches that a user can select from an image in an application window through some input device. The referenced lines of *Yeo* further teach that the user selection signals display organizer 508 to request for image 608’s corresponding segment of source video frames 106 from server 100. The Final Office Action and the Advisory Action further suggest that the referenced limitations of claim 1 (indexing at least one point of the look-x data stream to at least one corresponding point in the data flow) are more specifically taught by *Yeo* at col. 4, lines 4-9 and client control sub-system 308. However, the referenced lines of *Yeo* disclose that in one particular scenario, when a display application requests to playback a particular segment of video source frames, client control sub-system 308 responds to display application’s request by notifying server through signal path 326 and network interface. The Final Office Action and the Advisory Action appear to be improperly conflating two separate concepts-- the *relation* between the *precomputed* temporal snapshots and the continuous video frames as taught by *Yeo*, and indexing as taught in the current claims, i.e., computing *on the fly individual points in time* of the video sequence that have some significance.

Neither of these passages makes the disclosure contained in claim 1, which teaches indexing at least one point of the look-x data stream to at least one corresponding point in the data flow. Moreover, neither of these passages makes the disclosure contained in claim 10, which teaches a controller for indexing at least one point of the look-x data stream to a corresponding at least one point in the data flow indexing at least one point of the look-x data stream to at least one corresponding point in said data flow. Furthermore, neither of these passages makes the disclosure contained in claim 15, which teaches in response to opening the first connection, generating a new index, the new index relating at least one point of the look-x data stream to at least one corresponding point in said data flow. Despite the repeated suggestion otherwise, *Yeo* contains no teaching regarding generating an index from the second connection.

Claims 1, 10, and 15 recite embodiments of a general method for indexing *previously un-indexed* data content. An index is generated from the forward content that is then used to navigate through the content. This method is highly advantageous as it allows the navigation of content that is not previously indexed.

*Yeo* discloses a system that transmits *previously indexed* media content alongside existing media streams to enable user navigation. *Yeo* fails to disclose the features of the claimed invention. Specifically, *Yeo* fails to disclose or suggest the step of generating an index from the second connection. The second connection, namely the cited data path 322 includes *previously generated* index values that are used for navigation. The disclosed feature of *Yeo* merely utilizes an existing index; it does not generate a new index. The Advisory Action repeatedly suggests (p. 3, first full para., 2<sup>nd</sup> sentence *et seq.* apparently with reference to *Yeo*, col. 4, lines 4-9) that *Yeo* discloses that an index is generated by the client control sub-system 308. However, the cited section of *Yeo* discloses nothing regarding associating a time with an image, so as to create a time index. Without such an association, the client control sub-system cannot direct a user to the location in the video containing the image of interest. *Yeo* therefore effectively discloses a list of words at the back of a book that is not an index because no page numbers are associated with individual words in the list. The selectable links disclosed by *Yeo* do make it possible for a user to click on a keyframe and for the correct video frame to then play. But no index is created, and the user has no way to find the address of the video frame of interest.

As discussed above, the cited section in fact discloses nothing more than following a link, without creating a temporal correspondence between images and time in the video as disclosed by

the current claims. Although the Advisory Action suggests otherwise (p. 3, 1<sup>st</sup> full para., 4<sup>th</sup> sentence *et seq.*), nowhere does *Yeo* disclose the creation of the correspondence between the keyframes and their corresponding locations. Given the foregoing discussion, and despite the Advisory Action's suggestion otherwise (p. 3, last full sentence), the cited disclosures of *Yeo*, amounting at most to linking an image with its time entry and with the source video, are trivial and disclose nothing regarding the inventive indexing technique disclosed by the current claims. The approach of *Yeo* is vastly inferior to the claimed invention as it only allows navigation of previously indexed content.

In summary, the Final Office Action and the Advisory Action improperly conflate an inventive method for creation of a useful client-side index, including selecting interesting portions of a media and providing a means to access the interesting portions' location, with the well-known creation -- using the media and place and time entries -- of a selectable link that can be followed by a user.

The references cited in the Final Office Action and in the Advisory Action, including *Yeo* and *Ceccarelli*, either singly or in combination, fail to disclose all of the limitations of independent claims 1, 10, and 15. Claims 2-9 and 11-14 each ultimately depend from one of the independent claims and are believed patentable for at least the same reasons as the independent claim and because of the additional limitations of these claims.

In light of the above, claims 1-15 are allowable.

Respectfully submitted,

Dated: 7/20/05

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